

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

FILED
JUN 04 2013
Clerk, U.S. District Court
District Of Montana
Missoula

SERGIO GONZALEZ,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS
and BARACK OBAMA,

Defendants.

Cause No. CV 13-00110-M-DWM-JCL

FINDINGS AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE

On June 3, 2013, the Court received the Complaint submitted in this case along with a nearly identical Complaint submitted in Civil Action No. 13-CV-00109-M-DWM-JCL. The Complaints appeared to be written in the same handwriting. Neither the filing fee nor a motion to proceed in forma pauperis was submitted with either Complaint. The Complaints were received in the same envelope from the United States Immigration and Customs Enforcement Processing Center in El Paso, Texas.

The first Complaint was in the name of Young Yil Jo, a former federal prisoner who according to the Federal Bureau of Prisons website was released on May 8, 2013. Yil Jo has filed hundreds of frivolous lawsuits throughout the

country. This Court has recommended that Yil Jo be denied permission to proceed in forma pauperis and his case be closed. *See* Civil Action No. 13-CV-00109-M-DWM-JCL.

The second Complaint, at issue here, is in the name of Sergio Gonzalez. The Complaint is not signed. The Court has serious concerns regarding this Complaint. First, it appears Yil Jo drafted the Complaint because the handwriting on both Complaints and complaints filed by Yil Jo in other jurisdictions is the same. Secondly, Yil Jo has a history of submitting complaints in other prisoner's names without their knowledge. He has done so previously in this Court. *See* Civil Action Nos. 12-CV-00118-BLG-RFC, 13-CV-98-M-DWM. In addition, the Northern District of Georgia has noted it had dismissed at least eleven complaints allegedly submitted by federal prisoner Jaimes Enriquez against "Six Unknown Names [sic] Agents" at least one of which was actually submitted by Yil Jo. Enriquez had informed the Court that many lawsuits filed in his name were not filed by him. *See* Civil Action 11-CV-01341-WSD, DKT 2 (N.D. Ga April 29, 2011).

More important, however, is that this Complaint has not been signed. Rule 11(a) of the Federal Rules of Civil Procedure requires that every pleading, written motion and other papers be signed by a party personally if the party is

unrepresented.

It appears that Yil Jo drafted this Complaint and it is unclear whether Sergio Gonzalez has even seen it. In light of this, and because there is no signature on the Complaint, the Complaint should be stricken and this matter closed.

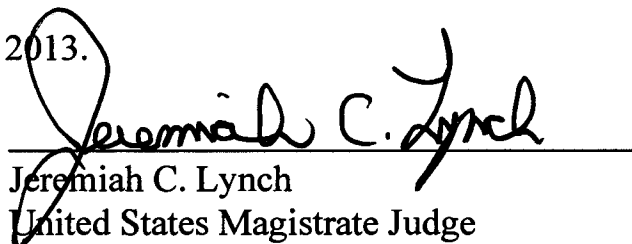
The Clerk of Court is directed to send a copy of this Order as well as the Complaint to Sergio Gonzalez at the ICE Processing Center in El Paso, Texas. If Sergio Gonzalez himself wishes to file a civil suit, he may do so by submitting a signed complaint and either paying the filing fee or submitting a request for permission to proceed *in forma pauperis* that complies with the requirements of 28 U.S.C. § 1915.

Based upon the foregoing, the Court issues the following:

RECOMMENDATION

The Complaint should be stricken and the Clerk of Court directed to close the case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 4th day of June, 2013.


Jeremiah C. Lynch
United States Magistrate Judge